

App# No 10/U99,894
Amdt. dated on November 21, 2003
Preliminary Amendment

REMARKS

Prior to examination of the above-identified patent application, Applicant has amended the specification and claims. The amendments to the application are intended to clarify the present invention and to address the issues presented in the Office Action of the parent patent application (Application No. 09/404,505) dated September 14, 2001. The remarks below respond to such Office Action and discuss the corresponding amendments. No new matter has been introduced by the present amendments.

Specification

The PTO objected to the disclosure because the terms "IVR" and "SMS" on page 4, line 22 were not defined. Applicant respectfully notes that the specification as originally filed discloses that "interactive voice response" is abbreviated "IVR" and that "short message service" is abbreviated "SMS". See Specification, page 8, lines 10-11 and page 22, lines 3-4. However, in order to clarify the disclosure, Applicant hereby amends the specification at page 4, line 22 by replacing the phrase "IVR or SMS" with --interactive voice response (IVR) or short message service (SMS)--.

Claims

The PTO rejected Claims 7-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which Applicant regards as the invention. Specifically, the PTO notes that there is insufficient antecedent basis for the limitation "the message and delivery system" of Claim 7. Applicant amends Claim 7 by replacing the limitation "*the* message and delivery system" with --a message and delivery system--. Applicant respectfully asserts that such an amendment corrects antecedent basis for Claim 7 and Claims 8-13, because Claims 8-13 directly depend on Claim 7.

Appl No 10/099,894
Amdt dated on November 21, 2003
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The PTO objected to Claims 2-13 because of particular informalities. Specifically, the PTO objects to Claim 2 (and various other claims) for using the phrase "Visitors" and Claim 6 for not defining the acronyms "ESN", "MIN1", "MIN2", and "SID". Although Applicant contends that the phrase "Visitors" is fully supported in the originally filed specification (*see* Specification page 3, line 3 and page 7, line 6), Applicant amends Claims 2, 3, 4, 8, 9, and 10 to change the term "Visitors" to "Visitor" in order to remove any confusion within the terminology of the claims. Additionally, Applicant similarly amends the specification at page 3, line 3 and page 7, line 6 to ensure consistency between the disclosure and the claims. These amendments are not intended to limit the scope of the disclosed invention in any manner and were not made for the purposes of patentability or overcoming any prior art references. Further, Applicant amends Claim 6 to replace the phrase "ESN, MIN 1, MIN 2, and an SID" with --Electronic Serial Number, a first Mobile Identification Number, a second Mobile Identification Number, and a System Identification Designation Number--. Applicant respectfully asserts that the amendment to Claim 6 was made for clarification and was not made for the purpose of patentability, thus the amendment does not affect the scope of the claim.

The PTO rejected Claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 5,930,699 to Bhania. Bhania discloses a mobile station for generating a direct request for location information about a particular type of business. A mobile switching center forwards the request to a home location register that determines the location area and/or cell global identify of the mobile station. A database locates address information for each *requested* business type and forwards the information back to the mobile station. *See* Column 1, lines 34-52. Although Applicant respectfully asserts that Bhania does not disclose the steps of Claim 1 as supported by the specification, Applicant amends Claim 1 to clarify the operation of the

Appl No 10/099,894
Amat dated on November 21, 2003
Preliminary Amendment

invention as claimed. Bhatia does not disclose a method for providing information services to a wireless device roaming in a wireless system comprising the steps of: monitoring a wireless system for normal network message traffic information; intercepting the normal network message traffic information from the monitored wireless system; extracting roamer information from the normal network message traffic information; identifying a roaming wireless device from the extracted roamer information; and selecting a message to be transmitted to the roaming wireless device based on the extracted roamer information. To the contrary, Bhatia relies on a direct request from the user of a wireless device for location information concerning a particular type of business. See Abstract, lines 3-4; Column 1, lines 32-35; and Column 2, lines 6-9. Claims 2-4 depend directly on Claim 1 and, therefore, incorporate the amended limitations of Claim 1. Accordingly, Claims 2-4 are not anticipated by Bhatia, because the incorporated limitations of Claim 1, as described above, are not anticipated by Bhatia and because of the other limitations contained therein.

The PTO rejected Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Bhatia in view of United States Patent No. 6,097,966 to Hanley. Hanley discloses a wireless access system that enables a local exchange carrier to provide wireless access to subscribers while also providing the benefits of wireline services. See Column 2, lines 17-20. One embodiment of Hanley couples Mobility Nodes with IS-41 links to enable communication between Mobility Nodes. See Column 6, lines 3-8. Applicant respectfully asserts that Bhatia may not be used in combination with Hanley to anticipate Claim 5. Additionally, even if combinable, Bhatia and Hanley taken together do not teach or disclose each and every limitation of Claim 5.

The PTO rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Bhatia in view of United States Patent No. 5,594,740 to LaDue. LaDue discloses a method and apparatus

Appl No 10/099,894
Amend dated on November 21, 2003
Preliminary Amendment

for wireless communication on an existing wireless communication network that manipulates existing data and translates the manipulated data to an application specific message. The application specific message is used to control and communicate with an application specific apparatus. *See Abstract.* Applicant respectfully asserts that Bhatia may not be used in combination with LaDue to anticipate Claim 6. Further, Applicant respectfully asserts that Bhatia and LaDue, taken alone or in combination, do not teach or disclose each and every limitation of Claim 6.

Conclusion

Applicant respectfully submits that the claims are now in condition for allowance and that no new matter was introduced through the amendments described above. Applicant believes that no fees are due in connection with this Preliminary Amendment. However, if any additional or other fees are deemed to be due, please charge such fees to Deposit Account No. 20-1507.

Respectfully submitted,

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